

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

EDDIE TAYLOR, JR.,)
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Petitioner,)
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v.) No. 1:06-CV-182 CAS
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UNITED STATES OF AMERICA,)
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Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court on petitioner Eddie Taylor, Jr.’s Motion for Order of Protection of Witness. In the motion, petitioner states that he seeks to prevent the United States Attorney’s Office, investigators or police officers from questioning Theresa Lynn Dyer “except in the presents [sic] of the Courts.” Mot. at 1. Petitioner describes Ms. Dyer as a “star witness” in this case who gave petitioner’s former attorney an affidavit stating her guilt “in the above case.” Id.

Petitioner’s motion will be denied. Petitioner does not indicate that the government is seeking to depose Ms. Dyer in connection with this matter. The Court lacks the authority to order prosecutors, investigators or police personnel to refrain from questioning a person in the course of their official business.

In addition, the Court notes that petitioner’s motion does not contain a certificate of service. Federal Rule of Civil Procedure 5(d) requires that all papers include a certificate of service to reflect that a copy was sent to opposing counsel, as required by Rule 5(a), Fed. R. Civ. P. Petitioner, as a pro se litigant, is not excused from complying with court orders or substantive and procedural law, “even without affirmative notice of the application of the rules to his case.” Bennett v. Dr.

Pepper/Seven Up, Inc., 295 F.3d 805, 808 (8th Cir. 2002). Any future papers submitted by petitioner which do not contain a certificate of service indicating that a copy was sent to the assistant U.S. Attorney in this case will be returned to petitioner without filing.

Accordingly,

IT IS HEREBY ORDERED that petitioner's Motion for Order of Protection of Witness is **DENIED**. [Doc. 4]

IT IS FURTHER ORDERED that petitioner shall include a certificate of service on all future papers filed in this action, indicating that a copy was sent to the opposing attorney.

IT IS FURTHER ORDERED that the Clerk of the Court shall not file any future papers submitted by petitioner that do not contain a certificate of service as required by Rule 5(d), Fed. R. Civ. P.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 21st day of February, 2007.